Crematà, Claire

Fernandez, Dr. Enrique From:

Sunday, April 23, 2006 5:17 PM Sent:

Anand Dasrath 70:

Coutinho, Ronnie; Cremata, Claire Ç

Subject: RE: [aicm62]Course Grades Posted

Please contact Claire Cremata on Monday to schedulé a teleconference to review your AICM performance: 305-804-7803

From: Anand Dasrath [mailto:anand_dasrath@yahoo.com] Sent: Sat 4/22/2006 4:45 PM

To: Fernandez, Dr. Enrique Subject: Re: [aicm62]Course Grades Posted

Dr. Fernandez,

I knew what was asked and what the answers were: my poor penmanship may have annoyed the marker but not a reasonable excuse to get a failing grade. 3)Please look again at my second case write up - under subjective condictions such as this any reader can give any essay a c- and cause the student a failing final grade. 4) How did I end up with a 36/50 in the extra-credit after 10 points were allocated my Epi/Biostatics grade, only the first failing grade of 50/76 is there. What happened to the remediated grade? 2) 36% for the final essay is very unconsciable. The person that marked it did not do a fair job. for staying to the end of the soap notes lecture (which I did), 10 points for notifing you on time which I I see a failing grade as my final grade. Please check: 1) I do not see an updated grade for I wrote my soap, presented it and answer all the questions correctly except for one: "what is LOC (loss of consciousness)?"

I humbly ask that you review the components of my grade. I already passed my comprehensive examination, already moved back to New York, and is already preparing for my USMLE Step 1. If there is any other steps you would like me to take that would complete course please let me know.

Thanks,

Anand Dasrath.

"Fernandet, Dr. Enrique" <ESFernandet@rossmed.edu> wrote:

AICM Course grades are posted on eCollege. Grade breakdowns will be available by email request starting Monday. If you would like your second write-up back, you may pick it up from Alvaro Rosales starting Monday. If you are not in Miami, you may send an email to Mr. Rosales and provide him with mailing address to send your write-up: <u>ARosales@rossmed.edu</u>

Grade Distributions:

28 percent "A" 18 percent "B+" 17 percent "B" 13 percent "C+"

Exhibit H

April 24, 2006 1 MEMORANDUM FOR THE RECORD

Dr. Fernandez conferred today by telephone with Anand Dasrath about the failing grade he earned for the 5th semester just ooncluded. Dr. Fernandez informed Anand that he was bottom of the class. He reminded Anand that extra credit cannot be applied to a failing would have been okay had everything else also been okay. He noted that Anand failed essentially two Standard Deviations from the norm. He said that Anand earned a C on the midtern exam, failed the final exam and had a very low score on the essay portion the PE and had remediated that. He said that Anand's overall grade placed him at the Anand that he failed the first write-up and got a marginal on the second. He said that (63 out of a possible 200). He remarked that the lowest grade had been 61. He told

Dr. Fernandez told Anand that he would have to repeat the semester.

May start May 22

Will do three weeks of clinicals

Must do one write-up until a grade of Satisfactory or better is

Is exempt from Epi and the PE Must attend Large and Small Group sessions (except for Epi)

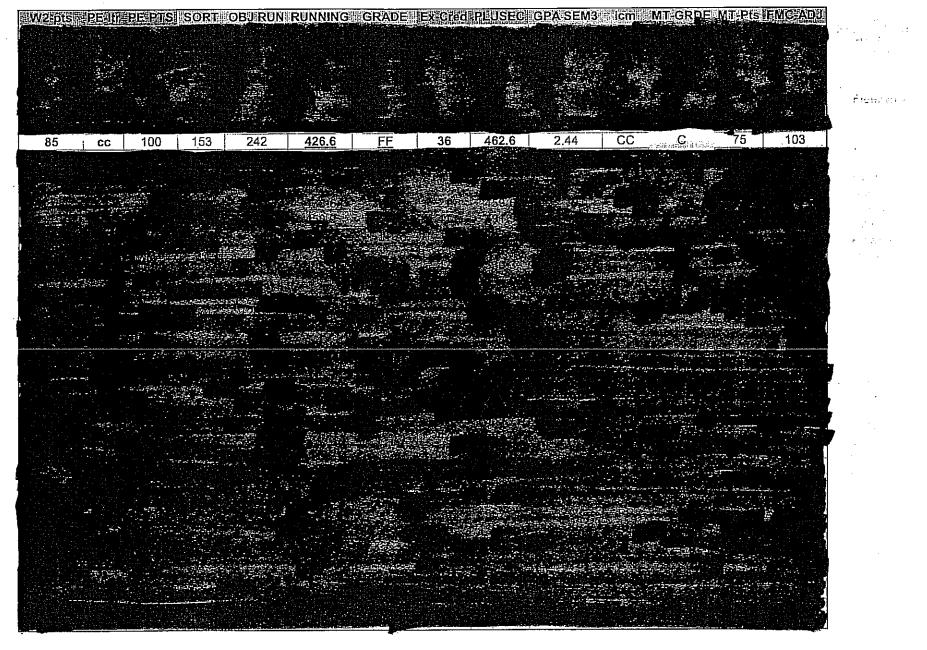
Must take Mid-term and Final

Dr. Fernandez told Anand that he would get individualized attention to help him succeed

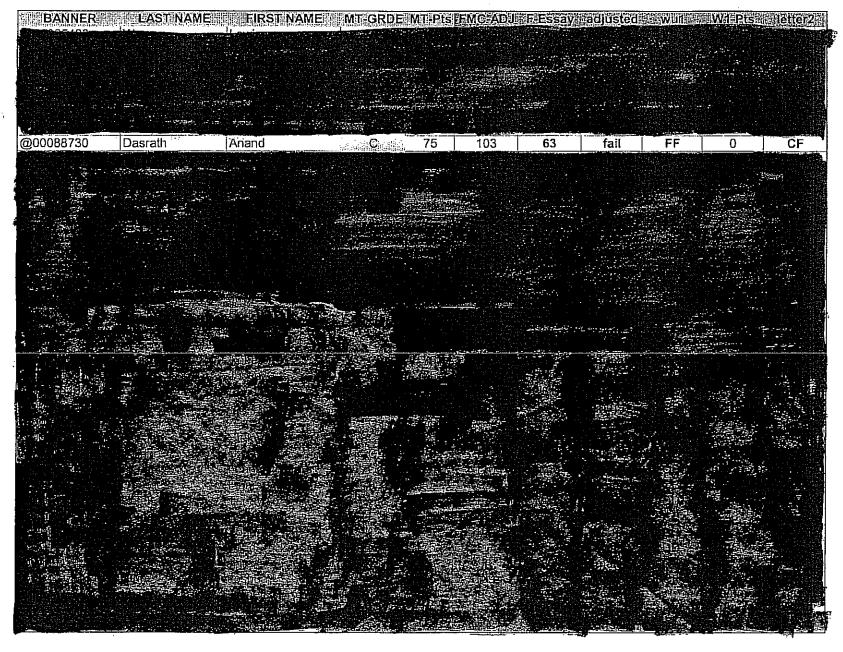
for Step 1. He said that if he chose to come in May he could extend his Step 1 window to wishes, defer starting 5th semester until September, freeing up the interval for preparing Dr. Fernandez noted that Anand passed the Comp. He pointed out that he could, if he July, August, September. Anand asked how he could have scored so poorly on the essays and said he worried that his handwriting had challenged the graders. Dr. Fernandez said that he had graded two of the seven essays himself. He did not recall trouble with anyone's handwriting and had not 5 out of a possible 25 points; on Graves got no points, none for hepatitis, on sexual issues heard of a problem from anyone else. He reported that on the stroke essay Anand earned and HIV about the average, 20 of 50 on essay #7...

consequently, he found the clinical activities to be not meaningful. Dr. Fernandez said he explained that he would have to do the components listed above. Anand wondered if Dr. regretted that Anand had not mentioned his dissatisfaction earlier but promised to make In answer to Anand's question, he said that he would be responsible for full tuition but sure to work closely with Anand to ensure the relevance of the activities he is assigned Fernandez knew that he had spent some 22 years in hospitals as a pharmacist and that, Anand asked if he would have to repeat the semester in its entirety. Dr. Fernandez would be eligible for financial aid.





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COURT UNITED STATES DISTRICT (EASTERN DISTRICT OF NEW DASRATH ANAND Plaintiff

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Defendant

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ĸ	Dr. Fernandez - Direct	
₫	NG. MR. COSTELLO: Can we have this marked	
<i>ប</i>	Plaintiff's Exhibit 6.	
	(Whereupon, Plaintiff's Exhibit 6 was	
ma	marked for Identification, this date.)	
Ø	Dr. Fernandez, you have now in front	
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6. Do y	you recognize this document?	se 1:
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INC SEVERIN & ASSOCIATES, : 1 South View Court Bayville, New York 11 16) 628-1402 - FAX (51 SEVERIN

628-042 11709 (516)TEL.

Dr. Fernandez - Direct	Q When was this forwarded to the	registrar?	A The date of the first page which is	the evaluation.	Q Are you referring to another document	that's associated with this certification?	A Yes. The evaluation is the first	page of the evaluation, course evaluation. This	attests to the fact that Mr. Dasrath was there	for a period of twelve weeks in Miami.	Q And he completed the AICM, correct?	A He completed twelve weeks in advanced	introduction of clinical medicine.	Q Again, the advanced introduction of	clinical medicine is the AICM?	A Fifth semester, yes, AICM.	Q After completion of the AICM in	the early part of April of 2006, how far after	completion are grades issued?	A I think I answered that already.	Q And the grades are then posted?	- A At that time they were posted and I	believe they still are posted on eCollege.	Q Were they posted anywhere in the
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Case No. CV-07-243

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SEVERIN & ASSOCIATES, INC.

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Bayville, New York 11709
(516) 628-1402 - FAX (516) 6

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Dr. Fernandez - Direct	Q Do you know when he took it?	A I don't know the date.	Q Just for edification, what is the	United States Medical Licensing exam?	A It is one of the examinations that is	required for graduation from Ross University and	to obtain the M.D. degree. It's also a required	examination for ECFMG certification.	Q Do you know what ECFMG stands for?	A Educational Commission for Foreign	Medical Graduates. ECFMG is the process whereby	international medical graduates or students who	go to Ross University as an international medical	school certifies the graduate's ability to enter	residency training.	Q Do you know the results of Mr.	Dasrath's USMLE step one exam?	A I do not. Would this be an	appropriate time to take a break?	MR. COSTELLO: Yes.	· (Whereupon, a brief recess was taken.)	BY MR. COSTELLO: (Continuing.)	Q Dr. Fernandez, in order to sit for	the USMLE a student has to be certified in the	
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Defendant the οĘ behalf O witness ๗ **ი** appearing

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SEVERIN & ASSOCIATES, INC.
1 South View Court
Bayville, New York 11709
(516) 628-1402 - FAX (516)

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× UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

Index No.: CV 07-2433

ANAND DASRATH

Plaintiff (s),

-against-

DEMANDS FOR REQUESTS

ROSS UNIVERSITY SCHOOL OF

MEDICINE,

Defendant (s).

Plaintiff, ANAND DASRATH, by and through his attorneys, COSTELLO &

Defendant, ROSS UNIVERSITY SCHOOL OF MEDICINE to be responded to, pursuant to COSTELLO, P.C. serves the following requests for production of documents upon the Fed. R. Civ. P. 34, within 30 days after the date of service.

INSTRUCTIONS FOR RESPONDING

- Plaintiff, ANAND DASRATH incorporates Local Civil Rule §26.3 of the Federal Rules of Civil Procedure as the instructions and definitions applicable herein.
- voicemail messages, audio recordings and any other items that may be contained in Defendants The word "document" shall include electronic (computer), files, e-mails, records or Defendants computer system that relate in any way to matter in dispute.

REQUESTS FROM DEPOSITION OF DR. NANCY PERRI

- Any documentation reflecting the cost of tuition for attendance to the Medical School for 2006.
- A copy of the Ross University School of Medicine Catalog.
- A list of the names of the faculty members teaching the clinical rotation course in æ,
- Complete name and address of Michael Rendon's current employer. 4.
- A copy of the exam sheet for the AICM for the Plaintiff, ANAND DASRATH REQUESTS FROM DEPOSITION OF DR. ENRIQUE FERNANDEZ 5.
- Copies of the Plaintiffs midterm and final exams in Scantron. ≓
- Any copies of midterm and final exams that were given to the Plaintiff 7
- Copies of all the portions of the AICM exams taken by the Plaintiff.

A copy of the semester report from E-College for the Plaintiff

4.

A copy of the first spreadsheet reflecting the Plaintiffs grades on the AICM 'n.

exams.

- A copy of any and all extra credit material that was submitted by the Plaintiff, as well copies of any and all exams the Plaintiffs failing grades. 6
- A copy of the spreadsheets pertaining to the Plaintiffs grades. 7.

THE PLAINTIFF(S) RESERVE(S) THE RIGHT TO SUPPLEMENT THIS RESPONSE UP TO AND INCLUDING THE TIME OF TRIAL IN THIS MATTER. A copy of the class mean standards. œ.

Dated:

Brooklyn, New York December 14, 2010

By: JOSEPH R. COSTELLO, ESQ. Attorneys for Plaintiff 5919 20th Avenue COSTELLO & COSTELLO, P.C.

Brooklyn, New York 11204 (718) 331-4600 Our File No. 6970

CULLEN AND DYKMAN, LLP. ŢÖ.

JENNIFER A. MCLAUGHLIN, ESQ. 100 Quentin Roosevelt Boulevard Garden City, New York 11530 (516) 357-3700

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A. DASRATH	What happened at that time with	incomplete with the pathology one		It was changed from an	e to a C.	Before you started the AICM		Right around then. I don't	exact date.	How did you find out it was	o a C?	I received a transcript.	The AICM course that you were) you remember what your grades were		It was based	MR. COSTELLO: For the AICM?	For the AICM.	Test.	Test only or was there a	portion of the course?	On many things. Plastic	at looks like human.	You had taken the exams for the
	ä	your incom	course?	Д.	incomplete	Ö.	class?	A.	recall the	o.	changed to	A.	ā	taking, do	based on?	A.		ä	A.	ō.	practical	A.	things That	Ö
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Plaintiff

ጠ Case No. CV-07-243

against

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OF MEDICINE, SCHOOL UNIVERSITY ROSS

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1 South View Court
Bayville, New York 11709
(516) 628-1402,- FAX (516) 6



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Dr. Fernandez - Direct

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A Correct.

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A Yes.

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ROSS UNIVERSITY SCHOOL OF MEDICINE

STUDENT HANDBOOK

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May 2006



All Basic Science credit limitations are strictly prescribed. Deviation from these standards may jeopardize a student's eligibility for licensure in the United States. Basic Science students taking 10 semester credit hours are considered full-time; students who are taking less than 12 semester credit hours The hours, credits, and (see Remedial Semesters under Promotions Policy) may not satisfy enrollment requirements of are four semesters of Basic Science classes, for a total of two academic years. All Basic Scoursework is offered on the School of Medicine campus (located at Portsmouth, The Basic Science segment consists of 60 credits of specifically prescribed coursework. sponsoring organizations, outside health insurance plans, and other related services. Commonwealth of Dominica) and must be satisfactorily completed there.

The Clinical Science curriculum consists of 90 weeks of clinical training. It begins with an introductory clinical segment of 12 weeks, the course "Advanced Introduction to Clinical Medicine" (AICM). This segment provides training in the basic clinical skills combined with an introduction to the pathophysiology of major disease processes, and is conducted in clinical facilities, in the U.S. The remaining 78 weeks consist of 48 weeks of required ("core") clerkships and 30 weeks of elective clerkships as described in the *Catalog*. During this time, the student participates in patient care while rotating through various medical specialties in affiliated teaching hospitals and other approved health care facilities, in the United States. Clinical clerkships are performed under the guidance of clinical faculty, the Dean of Clinical Sciences and Student Affairs and the Executive Dean and under the general supervision of the School of Medicine's Dean of Clinical

ACADEMIC STANDARDS

PROMOTIONS COMMITTEE, PROMOTIONS

purview of the Basic Science portion of the curriculum (the first two academic years), are within the purview of the School's Promotions Committee. This committee acts within the framework of the policies set forth herein. It is a faculty committee, whose recommendations are transmitted to the All academic matters, including grading policies and academic standards, while students are Dean. The decision of the Dean is final.

STUDENT GRADING AND PROMOTIONS POLICIES GRADING POLICY FOR THE BASIC SCIENCE SEGMENT

The aim of the policy is to establish a minimum acceptable performance that a student must achieve that does not depend on the performance of the entire class. A Minimum Passing Score (MPS) is established that must be achieved for a passing (C) grade. A well-established method (the "Hofstee" method) will be used to determine the MPS.

The Hofstee method utilizes the class performance but also sets a Minimum Passing Score (MPS) that is derived from the lower group of scores within a defined range. The range for the MPS to be used is between 55% and 65%. Therefore, students that enrolled after May 2004 scoring below 55% will have failing scores and those scoring above 65% will have passing scores. Students with scores between 55% and 65% have marginal performance that may result in course failure depending on the performance among the lowest performing group of students (in the range of 55% and 65%).

Recorded grades will be on an A (80 and higher), B (70-80), C (MPS-69), F (below MPS).

other course evaluations will be announced by each course in advance. The final course score will include the student's score on a NBME subject examination (taken at the end of the course). The final course score weight from the NBME subject exams will be announced by each course The percentage contribution to the final course score from each of the interim (mini) exams and director in advance.

GRADES

Grades are interpreted as follows:

∢.	80-100	4 00
Œ	77 87	20.5
,	00-0	3.00
ပ	MPS-69	2 00
ᄔ	Failing	20.3
≯	Withdrawn Before Interim Exams	0000
2,4		0.00
1 A A	Withdrawn Passing	000
WF	Withdrawn Failing	000
	Incomplete	0
SP	Satisfactory Progress	000
0		5
5	Utsatisfactory Progress	00.0

Withdrawal from a single course during a semester is not permitted.

A student electing to withdraw from the School prior to the time of the first examinations will receive grades of W on his/her transcript. Those leaving after taking one or more interim receive grades of W on his/her transcript. Those leaving after taking one or more interim examinations will receive WP (withdrawn passing) grades or WF (withdrawn failing), based on their performance in the examination(s) taken. A student that is granted an emergency absence resulting in an Academic Leave of Absence prior to the time of the first exam will receive grades of W. Those leaving after taking one or more interim examinations will receive WP (withdrawn passing) grades or WF (withdrawn failing), based on their performance in the examination(s) taken. An I (Incomplete) grade is entered when a student is advanced, pending completion of a requirement of a course, as defined by the course director. In this case, the outstanding requirement must be completed the following semester and the I will be changed into a grade. Failure to do so will result in a grade of F being entered to replace the I.

Students, who maintain grades of A in Al-courses in two successive semesters, will qualify for the Dean's List. They will remain on the Dean's List as long as they do not receive a grade below B in subsequent semesters. The Dean's List will be posted at the beginning of every semester, as soon the grades are available from the previous semester. This applies for semesters 2-4.

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. And there is no way to access	electronically or otherwise?	. I don't recall that.	. So, the first time you found	ut your grade in pathology was in	of 2005?	. Yes, pathology one.	. Pathology one, I'm sorry.	What did you find out in August	Ç•	. I received grades for the other	courses, but not pathology one.	. Did you call someone or talk to	about this?	Yes.	Q. What was discussed? I'm	who did you speak to?	A. Dr. Desalu.	Q. And Dr. Desalu, if you	ir, was in charge of the grading center	school; is that correct?	A. Yes.	Q. What did you say to Dr. Desalu?
O 8	4 it elec	D 4	0	7 out about	8 August	€ 4	10		12 of 2005?	13 A.	14 three c	15 0.	16 someone	17 A	18	19 sorry,	20 A	21 0	22 remember,	23 at the	Z4 P	25



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Plaintiff

Case No. CV-07-243

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Н	Dr. Fernandez - Direct
	there in the clinical department.
m	Q What is your title at Ross?
4	A Senior associate dean for clinical
	sciences.
O STANSFORM	Q How long have you been employed at
	Ross University?
ω	A Since 2003, January.
	Q As a senior associate dean for
	clinical sciences?
	A No. I've been in this position for
	two years.
	Q What was your position prior to this?
	A Associate dean and director of the
	advanced introduction to clinical medicine
	course, fifth semester.
	Q Is that the AICM?
	A AICM.
	Q How long were you the director of the
	AICM course?
	A Since its inception in 2001.
	Q So in 2006 what was your position with
	Ross?
24	A I was the associate dean for clinical
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Plaintiff

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1 South View Court
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